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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 ELIJAH AGAPE CAIN, )  
09 Petitioner, ) CASE NO. C11-537-MJP  
10 v. ) (CR10-73-MJP)  
11 UNITED STATES OF AMERICA, ) ORDER OF DISMISSAL  
12 Respondent. )  
13 \_\_\_\_\_ )

14 The Court, after careful consideration of petitioner's 28 U.S.C. § 2255 motion for writ  
15 of habeas corpus, the government's answer, petitioner's response, the Report and  
16 Recommendation of the Honorable James P. Donohue, the governing authorities and the  
17 balance of the record, does hereby find and ORDER:

- 18 (1) The Report and Recommendation is ADOPTED;  
19 (2) Petitioner's § 2255 motion is DENIED and this case is DISMISSED with  
20 prejudice;  
21 (3) Petitioner is DENIED issuance of a certificate of appealability; and

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01 (4) The Clerk is directed to send copies of this Order to all counsel of record and to  
02 Judge Donohue.

03 DATED this 15th day of September, 2011.

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07 Marsha J. Pechman  
08 United States District Judge  
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